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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,070	07/02/2003	Robert Charles Monsen	CISCO-7984 (032590-213)	6556
49715	7590	12/12/2008	EXAMINER	
CISCO - THELEN LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640			BLACK, LINH	
			ART UNIT	PAPER NUMBER
			2169	
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			12/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,070

Applicant(s)

MONSEN ET AL.

Examiner

LINH BLACK

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is responsive the Applicant's argument filed 9/30/08. Claims 9-15, 20-25 are pending in the application. Claims 9, 11-24 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-15, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (US 5537592).

As per claims 9, 13, 20-21, 24, King et al. teach scanning a nonvolatile memory medium to find a first memory block containing a header indicating that the first memory block is the first memory block of an existing file stored on said the nonvolatile memory medium – fig. 22, items 526, 542 (memory blocks and headers); col. 11, line 9-20 (source block read process, data block from source disk 270 which is equivalent to "scanning a nonvolatile memory medium"; home block is the first memory block; the root directory header is read in and contains the block location of the root directory/existing file); col. 17, line 9-45.

finding a next memory block using a next block pointer stored in the header of the first memory block, if the existing file comprises more memory blocks than the first memory block, said the existing file being opened upon completion of said the finding – col. 9, lines 7-13 (starting block and a pointer to the next block); col. 19, last par.

As per claims 10, 25, King et al. teach repeating the finding step until either all memory blocks comprising the file have been found or an error condition occurs – figs. 24-26; col. 13, lines 24-50; col. 17, line 19 to col. 18, last par.

As per claims 11, 14-15, King et al. teach

scanning a nonvolatile memory medium in sizes of one predetermined logical block, the nonvolatile memory medium storing an existing file – col. 6, lines 18-65; col. 11, lines 11-57; col. 28, lines 32-50.

for each logical block, reading a block header containing a magic number – fig. 24; col. 6, 1st paragraph (OEM field is equivalent to a status field or “magic number” because OEM field would either has characters, blanks or the “.”); col. 10, 1st paragraph (each segment includes a status field which indicates whether the segment is being used) testing the magic number to determine whether the logical block is a valid block or a free block, and if the logical block is a valid block, performing a comparison of a file name encoded within the block header with a specified file name to be opened – col. 19, 1st and last paragraphs.

testing a flag within the block header to determine whether the logical block is the first block of the existing file, if the comparison produces a match – col. 5, last par. to col. 6, 1st paragraph; col. 16, last par to col. 17, line 45.

returning to said the scanning step with the next logical block until either the comparison produces a match or all the blocks have been tested, thereby indicating an error condition; said the existing file being opened if said the comparison produces a match – col. 15; col. 19, last par.

As per claims 12, 22-23, King et al. teach

scanning a nonvolatile memory medium in sizes of one predetermined-sized logical block; the said nonvolatile memory medium for storing a new file – col. 6, lines 18-65; col. 9, lines 32-55; col. 18, last par. to col. 19, 1st par.

for each logical block, reading a block header containing a magic number - fig. 24; col. 6, 1st paragraph (OEM field is equivalent to a status field or "magic number" because OEM field would either has characters, blanks or the "."); col. 10, 1st paragraph (each segment includes a status field which indicates whether the segment is being used) testing the magic number to determine whether the logical block is a valid block or a free block - col. 7, last par.; col. 19, 1^{st and last} paragraphs.

and if the logical block is a free block, modifying its block header to comprise a valid magic number, the name of the new file to be opened, and flags indicating whether the logical block is either the first block or the last block of the new file – col. 5, last par. to col. 6, 1st par.; col. 22, 1st par.; col. 11, lines 20-67; col. 13, lines 20-50.

returning to said the scanning step with the next logical block until either the testing step has identified a free block or all the blocks have been tested, thereby indicating an error condition, the new file being opened if the testing step has identified a free block - col. 15; col. 19, last par.

Response to Arguments

Applicant's arguments filed 9/30/08 have been fully considered but they are not persuasive.

Regarding the Applicant's argument that King does not disclose scanning a nonvolatile memory...first memory block of an existing file stored on the medium on page 10, Examiner disagrees. More details of cited prior art are specified above. However, in scenario where a file is stored as a one block, then the finding step would not occur. The cited independent claims are broad in that the cited prior art does disclose the claims' limitations.

Regarding the Applicant's argument on page 11 that the applied prior art does not disclose finding the next memory block, Examiner disagrees.

King discloses finding the next memory block at col. 18, lines 28-55, and also cited above.

Regarding the Applicant's argument on page 14 that King does not disclose "performing a comparison of the file name only if the testing of the magic number indicates the logical block is a valid block", Examiner disagrees. Col. 6, 1st par.

discloses "...the first block on the disk must be checked to determine if the fields wherein are valid. This validity test determines whether the version and OEM field contains characters, blanks or the "." character..."

Regarding the Applicant's arguments of claims 20-25 means plus function claims on page 17 that states "...an examiner carries the initial burden of proof for showing that the prior art structure ... is the same or equivalent to the structure, material, or acts described in the specification..." However, regarding the mean plus function claims, "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." In re Donaldson Co., 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc). (See MPEP 2181 [R-2]). Because the specification does not explicitly define each "means for" function, e.g., what "means for scanning" is, Examiner in the broadest interpretation cited the teachings in the applied prior art that best match the claims 20-25's limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2169

December 8, 2008

/HUNG Q. PHAM/
Primary Examiner, Art Unit 2169